Mr. K. Achyuta Menon *(Secretary to Government):*

(*a*) Three.

(*b*) No.

(*c*) Does not arise.

STAFF SELECTION BOARD—THROWN-OUT HANDS—PUBLICATION OF LIST IN THE GAZETTE

61. Mr. C. V. Iyyu *(Kunnamkulam):* Will the Government be pleased to state.—

(*a*) whether the Government be pleased to publish in the Gazette a list of the thrown-out hands in the waiting list specifying (*i*) the first date of appointment, (*ii*) total service, (*iii*) grades of pay drawn by each and (*iv*) rank of each candidate;

(*b*) if the answer to (*a*) is in affirmative, the probable month when they expect to publish this in the near future?

Mr. K. Achyuta Menon *(Secretary to Government):*

(*a*) A list containing particulars regarding (*i*), (*ii*) and (*iv*) has already been published in the Gazette. Time and labour involved in collecting information on (*iii*) are not commensurate with results.

(*b*) No answer is necessary in view of the answer to (*a*) above.

JEWISH CEMETERY—SHIFTING OF—ERNAKULAM MUNICIPAL COUNCIL RESOLUTION

62. Mr. A. V. Moothedan *(Chalakkudi):* Will the Government be pleased to state.—

(*a*) is it a fact that the Ernakulam Municipal Council passed a resolution some time back rejecting the request for shifting the Jewish Cemetery from the present site;

(*b*) was this decision subsequently reversed at another meeting;

(*c*) if so, what is the reason for this *volte face*?

Mr. P. J. George *(Joint Secretary to Government):*

(*a*) Yes; under certain conditions.

(*b*) Yes; the Council finally decided to shift the Cemetery.

(*c*) The Council only conformed to their resolution deciding to close the burial ground.

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Mr. A. B. Salem *(Mattancheri):* May I know, Sir, what those conditions are?

Mr. P. J. George *(Joint Secretary to Government):* They are that they should construct a high wall at a distance of about 30 feet from the convent building and then, they will be allowed to continue the burial there.

Mr. A. B. Salem *(Mattancheri):* The question is: "Is it a fact that the Ernakulam Municipal Council passed a resolution sometime back rejecting the request....?". Whose request, may I know?

Mr. P. J. George *(Joint Secretary to Government):* The request of the Convent authorities—may be a complaint about these.

Mr. A. B. Salem *(Mattancheri):* Have the papers been looked into in framing this answer?

Mr. P. J. George *(Joint Secretary to Government):* The Council itself requested that it may be sanctioned.

Mr. A. B. Salem *(Mattancheri):* May I know from whom the request for shifting, came?

Mr. M. Sivarama Menon *(Advocate-General):* The boarders living in the St. Teresa's Convent felt aggrieved at these dead bodies being buried very near their boarding house and this request was forwarded by the Convent authorities.

Mr. C. R. Iyyunni *(Trichur-South):* Which is the older institution, is it the Convent or the cemetery?

Mr. M. Sivarama Menon *(Advocate-General):* I cannot say that. The Synagogue, when asked, could not produce any record to show that the cemetery existed before the advent of the Convent?

Mr. A. B. Salem *(Mattancheri):* Are there not dates on the tomb-stones there?

Mr. M. Sivarama Menon *(Advocate-General):* The fact that there are stones with older dates is no proof to say that the cemetery existed before the advent of the Convent.

Mr. A. B. Salem *(Mattancheri):* May I know on what ground the Municipality acted? Is it merely on the complaint of these students?

Mr. M. Sivarama Menon *(Advocate-General):* On considerations of public health and on the complaints of the student

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population who were residing so close to the cemetery, that it was practically impossible to live there during night time on account of the evil superstitions and the fear of ghosts, and other things also. These mental aspects, as also the vital aspects of public health, induced the Municipality to take action.

Mr. A. B. Salem *(Mattancheri):* Was the matter investigated by the Medical authorities of the State?

Mr. M. Sivarama Menon *(Advocate-General):* There has been a general enquiry with regard to the shifting of burial grounds in the various towns.

Mr. A. B. Salem *(Mattancheri):* Was a specific report called for from the C.M. and S.O. as to the injurious effect of this cemetery on the health of the neighbours?

Mr. M. Sivarama Menon *(Advocate-General):* On the point that cremation is to be preferred to burial.

Mr. A. B. Salem *(Mattancheri):* I do not want to hear about any opinion. My question may be answered "yes" or "no". Whether there was a special report submitted by the Chief Medical and Sanitary Officer as to the injurious effect of cemeteries being located very near educational institutions?

Roa Sahib I. N. Menon *(Director of Public Instruction):* Not in respect of this particular institution. But in regard to other institutions where we had cemeteries close to them, the Chief Medical Officer said, it is definitely injurious.

Mr. A. B. Salem *(Mattancheri):* My question is; "with reference to this particular cemetery, was this report called for or not?". "Yes", or "no", that is what I want.

Mr. P. J. George *(Joint Secretary to Government):* The Municipality itself has got a specially qualified medical man—the Health Officer. There is no necessity to go to the Chief Medical Officer.

Mr. A. B. Salem *(Mattancheri):* My question is: 'Was there any report from the Chief Medical and Sanitary Officer of the State as to the effect of the existence of this cemetery on the inmates of this Convent?' I want a definite "yes" or "no".

Mr. P. J. George *(Joint Secretary to Government):* There is no Chief Medical and Sanitary Officer now, *(Laughter)*, nor was there such an officer even when the cemetery question was taken up.

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Mr. A. B. Salem *(Mattancheri):* Was any special report called for from the Chief Medical Officer or Chief Medical and Sanitary Officer?

Mr. P. J. George *(Joint Secretary to Government):* No.

Mr. A. B. Salem *(Mattancheri):* Shall I give you the date of that report? Was there not a committee appointed by the Municipality to make a report?

Mr. P. J. George *(Joint Secretary to Government):* There is no information. You can very well inquire in the Municipal Office whether a committee was appointed or not.

Mr. A. B. Salem *(Mattancheri):* Has the Government got an appeal petition on the resolution of the Municipal Council setting forth all the facts of the case?

Mr. P. J. George *(Joint Secretary to Government):* There was a petition on which orders have been passed.

Mr. A. B. Salem *(Mattancheri):* Did that petition contain all the facts of the case?

Mr. P. J. George *(Joint Secretary to Government):* Whatever they thought to be facts, they have put into that petition.

Mr. A. B. Salem *(Mattancheri):* Was that petition read before framing this answer?

Mr. P. J. George *(Joint Secretary to Government):* That was considered and recorded.

Mr. A. B. Salem *(Mattancheri):* Was the answer framed after going through the petition?

Mr. P. J. George *(Joint Secretary to Government):* Yes.

Mr. Shabdai S. Koder *(Nominated):* Why did the Convent people put up the building near the cemetery?

Mr. P. J. George *(Joint Secretary to Government):* You must ask them.

Mr. C. V. Iyyu *(Kunnamkulam):* There will be such cases in future also. What I submit is, if the cemetery is the older institution it must be allowed to continue; if the convent is the older one, then the cemetery should be removed.

Mr. M. Sivarama Menon *(Advocate-General):* It is the rule that as far as possible, from towns, these cemeteries should be removed.

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Mr. C. V. Iyyu *(Kunnamkulam):* Is it not a fact that in Trichur there is a cremation ground near the *Padinjare Nadakavu*? Is there not this question of public health arising there?

Mr. C. R. Iyyunni *(Trichur-South):* It is not a burial ground, it is only a cremation ground.

Mr. Shabdai S. Koder *(Nominated):* Are the Government aware that the Convent authorities have an eye on this ground as a play ground?

Mr. A. B. Salem *(Mattancheri):* It is in the possession of Jews. How can they encroach upon that?

Mr. Shabdai S. Koder *(Nominated):* Yes. It is now in our possession, but after sometime they may try to acquire it for a play ground.

Mr. C. R. Iyyunni *(Trichur-South):* May I know weather before the resolution was passed the opinion of the Health Officer was taken by the Council?

Mr. P. J. George *(Joint Secretary to Government):* I want notice.

Mr. A. B. Salam *(Mattancheri):* May I know, Sir, whether the Government is in a position to categorically say that there was no report from the Chief Medical and Sanitary Officer or the Chief Medical Officer that the location of this cemetery is not dangerous to the health of the inmates of the St. Teresa's Convent?

Mr. President: I think the hon'ble member has got more information than the Joint Secretary. The best thing in the circumstances would be for the hon'ble member to give out whatever information he has.

Mr. A. B. Salem *(Mattancheri):* Then Sir, I give this information that there was a report from the Chief Medical and Sanitary Officer to the effect that it was not dangerous or injurious to the health of the town or to the health of students of the St. Teresa's Convent. All these superstitions and presence of ghosts and such other things, we need not take into consideration at all.

Dr. A. R. Menon *(Minister for Rural Development):* It is not a question of injury to the public health or to the health of the inmates of the convent, but it is a psychical effect on the girls who are put up near the cemetery.

Mr. A. B. Salem *(Mattancheri):* Are the conditions of the regulation fulfilled before ordering the removel of the cemetery? There are two conditions in the regulation. The first is that the

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cemetery should be overcrowded and the second is that it should be dangerous or injurious to the health of the neighbourhood.

Mr. President: Health means both mental and physical health.

Mr. A. B. Salem *(Mattancheri):* I am not prepared to concede that. The regulation gives power to the Municipality to remove a cemetery or burial ground only if one of these conditions exists. The regulation further stipulates that there should be provision for a convenient place for burial, before the Municipality can pass an order to close the cemetery. Did these conditions exist at the time this order was passed?

Mr. M. K. Devassy *(Adur):* May I know, Sir, whether the Government is not in a position to contradict Mr. Salem's statement?

Mr. President : Mr. Salem seems to be older than both the cemetery and the convent. *(Laughter)*

Mr. C. V. Iyyu *(Kunnamkulam):* Is there not a rule in the Education Code that before any educational institution is given recognition, they should produce a sanitary certificate or a health certificate that it is located in a healthy quarter.

Rao Sahib I. N. Menon *(Director of Public Instruction):* The Code came into existence long after the Convent—in the year 1911.

Mr. C. V. Iyyu *(Kunnamkulam):* Even after the coming into existence of the Code, was the Government not allowing institutions to be located near these cemeteries?

Rao Sahib I. N. Menon *(Director of Public Instruction):* I think I can add some information. Ever since I came, I have been making repeated requests to the Government that some action may be taken to remove cemeteries from the neighbourhood of schools. But we could not do that in the case of a very large number of church schools. In the case of a few churches, they themselves shift them and in one or two cases they gave us some appliances like filters, etc. I am not aware of what the C. M. O. of that time said. But I know of an instance where, to a question from me, the then Chief Medical Officer said that it is definitely injurious and that if it could be removed to a convenient distance, it would be certainly a much better thing to do. I may also say for the hon'ble members' information that on two occasions when the University Commission came here, they pointed out to me the advisability of doing

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something in regard to this particular matter. of the St. Teresa's Convent.

Mr. Shabdai S. Koder *(Nominated):* Will the Government be pleased to see that in future no educational institutions are built near cemeteries ?

Rao Sahib I. N. Menon *(Director of Public Instruction):* Ever since the Code came into force we have been doing that.

Mr. A. B. Salem *(Mattancheri):* May I know, Sir, whether the Municipality has not passed a resolution in December or March last that there is no need to close the Cemetery ?

Dr. A. R. Menon *(Minister for Rural Development):* Yes.

Mr. C. R. Iyyunni *(Trichur South):* Was that resolution unanimous or not ?

Mr. P. J. George *(Joint Secretary to Government):* Afterwards it was modified.

Mr. President: I think that that is not the correct statement. So far as my recollection goes, what happened is this. Sometime back, the Municipality passed a resolution and wanted the sanction of the Government to give effect to it, because they cannot by themselves close the cemetery without Government sanction. Government sanctioned that request. Afterwards, what the Municipality thought was to rescind the original resolution.

Mr. A. B. Salem *(Mattancheri):* You are correct, Sir. A resolution was passed to close the cemetery on the 1st of January 1940 with the approval of the Government. When the fact was notified to the community, the community put in a petition to the Municipality stating that this order was passed without hearing them, and that they should be heard before the order is finally given effect to. Accordingly, the Municipal Council heard the petitioners and decided by a resolution, after considering the various facts placed before them, that there were no reasons to close the cemetery and rescinded the first resolution. Subsequently, they communicated this resolution to the Government and the Government asked why the present resolution *not to close the cemetery* should not be cancelled. Then also, the *Municipality passed a second resolution that they saw no reason to close the cemetery* and that all that was necessary was to put a screen wall there. Is this not a fact, Sir ?

Mr. P. J. George *(Joint Secretary to Government):* That is to rescind the original resolution.

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Mr. A. B. Salem *(Mattancheri):* May I know, Sir, what reasons exist now to close the cemetery?

Mr. P. J. George *(Joint Secretary to Government):* On a reference made, they reconsidered their position. Without Government sanction they cannot rescind the original resolution.

Mr. A. B. Salem *(Mattancheri):* Even without the sanction of the Government, the Municipal Council passed a unanimous resolution that they are wrong in passing the order and they said that the cemetery must be continued and that all that was necessary was to put a high wall to screen off the cemetery from the Convent. What are the reasons now alleged? The reasons were all examined in March or April. I have got all the papers with me, but not now here. In March or April the whole matter was re-examined and the Council was asked why the first resolution was cancelled rescinding the original resolution. They said: "We see no reason to close the cemetery." All that was necessary was to put a high wall to screen off the cemetery from the convent.

Mr. P. J. George *(Joint Secretary to Government):* But the Government was not convinced of the position of the Council.

Mr. A. B. Salem *(Mattancheri):* So that, you say, when the Municipality was convinced, the Government was not convinced?

Mr. President: He said, Government were not convinced.

Mr. A. B. Salem *(Mattancheri):* I do not want to fight with the Government, because the Government is too powerful for this poor community. But is there any provision that a convenient place should be provided for the community before you pass a resolution ordering its removal?

Mr. P. J. George *(Joint Secretary to Government):* Proceedings were taken to provide them with a convenient site.

Mr. V. K. Bhaskara Menon *(Cranganur):* May I know whether Government have now understood that the dead Jews are more dangerous? *(Laughter).*

Mr. Shabdai S. Koder *(Nominated):* In view of the admission made by the Joint Secretary that the Convent people have an eye on this cemetery for converting it to a play-ground.....

Mr. P. J. George *(Joint Secretary to Government):* No. No.

Mr. President: The Joint Secretary did not say that.

Mr. Shabdai S. Koder *(Nominated):* If a request was made to the Government by the Convent authorities to get that spot for

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play grounds, will the Government see that the feelings of the Jews are not wounded ?

Mr. President : That is a hypothetical question.

Mr. A. B. Salem *(Mattancheri):* In the matter of selecting another site, before you pass a resolution to close the cemetery, was the community also consulted ?

Mr. P. J. George *(Joint Secretary to Government):* I understand that the committee appointed by the Municipality to select the place consists of one Jewish member also.

Mr. A. B. Salem *(Mattancheri):* May I give for the information of the Joint Secretary that nobody was even referred to in the selection of the site for the cemetery. I give it as a statement of fact. Contradict if you can.

Mr. P. J. George *(Joint Secretary to Government):* I think that the Jewish representative was also consulted in the matter.

Mr. A. B. Salem *(Mattancheri):* I beg to contradict that in selecting the site and in passing the present site not a single member of the Jewish community was consulted or even informed. I make a categorical statement. The site was selected, in a peremptory manner, in a hurry-bury, just to say, that we have provided such and such a place. Even the place was not made convenient for burial and they simply said it has satisfied the requirements of the Law.

ERNAKULAM MUNICIPALITY—TOLLS, ETC.,— DIRECT COLLECTION OF

63. Mr. A. V. Moothedan *(Chalakkudi):* Will the Government be pleased to state.—

(*a*) is it a fact that the Ernakulam Municipal Council recommended that the market tolls, etc., should be collected by the Municipality direct;

(*b*) was not this suggestion rejected by the Government and was not the Municipality asked to sell these rights of collection by public auction?

Mr. P. J. George *(Joint Secretary to Government):*

(*a*) Yes.

(*b*) Yes.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: മുനിസിപ്പാലിറ്റിയിൽ നിന്നു നേരിട്ടു നടത്തിയിരുന്ന ഈ മാർക്കറ്റുകളും ചുങ്കങ്ങളും മറ്റും ഇപ്പോൾ ഗവൺമെണ്ടിൽ നിന്നു ലേലം വിളിക്കുവാനുള്ള കാരണമെന്താണു്?

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